



Seyfarth Shaw LLP

620 Eighth Avenue

New York, New York 10018

T (212) 218-5500

F (212) 218-5526

jegan@seyfarth.com

T (212) 218-5291

www.seyfarth.com

MEMO ENDORSED

February 5, 2020

VIA ECF

Hon. Ronnie Abrams
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Courtroom 1506
New York, NY 10007

USDC-SDNY
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Re: Matzura v. New Balance Athletics, Inc., Civil Action No.: 1:19-cv-11344-RA

Dear Judge Abrams:

This firm represents Defendant New Balance Athletics, Inc. ("Defendant") in the above-referenced action. We write, jointly with Plaintiff, to respectfully request that the Court: (1) adjourn the requirement to submit a joint letter either referring the case to ADR or requesting an initial status conference (see ECF No. 5), based on Defendant's anticipated Motion to Dismiss; (2) enter a briefing schedule on Defendant's Motion to Dismiss; and (3) stay discovery pending a ruling on the Motion to Dismiss.

By way of background, Plaintiff filed the Complaint on December 11, 2019. (ECF No. 1.) Defendant executed a waiver of service on December 18, 2019. Accordingly, the present deadline for responding to the Complaint is February 18, 2020. On December 12, 2019, the Court ordered the parties to meet and confer for at least one hour in an attempt to settle this matter. (ECF No. 5.) Counsel for the Parties conferred in compliance with this directive, but did not reach a settlement.

Defendant intends to file a Motion to Dismiss the Complaint on the responsive pleading deadline of February 18, 2020 that, if granted, would fully dispose of all claims asserted in the Complaint. Accordingly, in the interest of conserving resources, the parties respectfully request that the Court adjourn the requirements in its December 12, 2019 Order (ECF No. 5). The parties also respectfully request that discovery be stayed while the Motion to Dismiss is pending.

Regarding the Motion to Dismiss, the Parties request that the Court "So Order" the below briefing schedule:

- Defendant's deadline to file Motion to Dismiss: February 18, 2020



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- Plaintiff's deadline to file his Opposition to the Motion to Dismiss or First Amended Complaint ("FAC"): March 18, 2020
- Defendant's deadline to file its Reply, or to file a Motion to Dismiss the FAC (if a FAC is filed): April 17, 2020
- Plaintiff's deadline to file his Opposition to a Motion to Dismiss the FAC (if a FAC is filed): May 18, 2020
- Defendant's deadline to file its Reply in support of a Motion to Dismiss FAC (if FAC is filed): June 8, 2020

The deadline for the parties to jointly submit an election of ADR or request for an initial status conference, as per the December 12, 2019 Order was Monday, February 3, 2020. The parties apologize for the late submission of this application, as they have been undertaking efforts to meet and confer as per its December 12, 2019 Order, which have been complicated by a medical issue that Plaintiff's counsel has been experiencing that recently resulted in hospitalization.

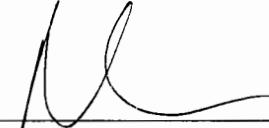
We thank the Court for its time and attention to this matter, and for its consideration of this application.

Respectfully submitted,
SEYFARTH SHAW LLP

/s/ John W. Egan
John W. Egan

Application granted. The Court adopts the parties' proposed briefing schedule. Accordingly, the deadlines set forth in Dkt. 5 are adjourned and discovery is stayed pending the resolution of Defendant's motion to dismiss.

SO ORDERED.



Hon. Ronnie Abrams
2/6/2020

cc: All counsel of record (via ECF)